IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4346 OF 2003
(For condonation of delay)
IN
CRIMINAL APPLICATION NO. 1145 OF 2005
(For Leave to Appeal)

The State of Maharashtra Applicant

vs.

Ravindra Janardhan Mhatre & ors. Respondents

Ms.V.R.Bhonsale, Addl. Public Prosecutor for the State.

Mr.D.N.Gondhali for the respondents.

**CORAM : R. M. LODHA &**
**R. S. MOHITE,JJ**.

**DATED : 23rd February 2005**

**P.C.**

Heard Ms.V.R.Bhonsale, the learned Additional Public Prosecutor and Mr.D.N.Gondhali, the learned counsel for the accused-respondents.

2. The accused-respondents have been acquitted by the Ist Additional Sessions Judge, Raigad vide judgment dated 31st March 2003. Aggrieved thereby the State filed criminal appeal (now converted into criminal application for leave to appeal) on 15th October 2003. By this application it is prayed that delay in filing criminal appeal (criminal application for leave to appeal) be condoned.

3. The application for certified copy of the judgment dated 31st March 2003 was made on 8th April 2003. The certified copy was ready on 15th April 2003 and made available on that date. The concerned Public Prosecutor by his opinion dated 1st September 2003 recommended that appeal be filed against the judgment of acquittal. The Law and Judiciary Department scrutinised the papers and vide resolution dated 15th September 2003 asked the office of the Public Prosecutor, High Court, Appellate Side, Mumbai to prefer an appeal. The said resolution was received by the office of the Public Prosecutor on 16th September 2003. The Criminal Appeal (now criminal application for leave to appeal) came to be filed on 15th October 2003.

4. Though there is some laxity on the part of the Public Prosecutor who conducted the trial in forwarding his opinion to the Law and Judiciary Department as well as the office of the Public Prosecutor, High Court, Appellate Side, Mumbai in not expeditiously preparing the appeal on receipt of resolution, however, taking overall facts and circumstances of the case, it is not seen that there was gross negligence on the part of the concerned functionaries.

5. We are, thus, satisfied that the delay in filing the criminal appeal (now criminal application for leave to appeal) be condoned. We order accordingly.

6. Criminal application stands disposed of.

**(R.M. LODHA,J.)**

**(R.S. MOHITE,J.)**